

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No: **IT-03-69-T**

IN THE TRIAL CHAMBER I

BEFORE: Judge **Alphons Orie**, Presiding
Judge **Michèle Picard**
Judge **Elizabeth Gwaunza**

REGISTRAR: Mr. John Hocking
DATE FILED: **30 December 2010**

THE PROSECUTOR

V.

JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ

- PUBLIC -

**URGENT DEFENCE MOTION REQUESTING EXTENSION OF PROVISIONAL
RELEASE DURING THE WINTER COURT RECESS**

THE OFFICE OF THE PROSECUTOR:
Mr. Dermot Groome

COUNSEL FOR MR. JOVICA STANIŠIĆ:
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Mr. Wayne Jordash

COUNSEL FOR MR. SIMATOVIĆ:
Mr. Mihajlo Bakrač
Mr. Vladimir Petrović

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COURT RECESS**

Introduction

1. On 25 November 2010, the Simatović Defence files a Motion requesting that the Accused Simatović be granted provisional release during the winter court recess.
2. On 10 December 2010, the Trial Chamber has rendered a decision on the motion filled by Simatovic's Defence team in which it has granted provisional release during the winter recess from 17 December 2010 to 06 January 2011 when the Accused Simatović should return to UNDU.

Discussion

1. On 29 December 2010, the Trial Chamber has informed the parties in the case that the Chamber has decided to grant the Motion for Adjournment of Proceedings in part, with written reasons to follow. The Chamber allows for an adjournment of two weeks. Based on the decision of the Trial Chamber, the case will resume in the week of 24 January 2011.
2. The Defence notes that the Trial Chamber has allowed the temporary provisional release of the Accused Simatović during the winter break, furthermore, to help the Defence team in assisting for the continued preparations of his defence (para. 8, page 4, of the Decision brought by the Trial Chamber on 4 December 2010)
3. The Defence also draws the attention to the Trial Chamber the fact that the Accused Simatović should have been released 17 December 2010, and that because

of the bad weather conditions, the Accused Simatović had arrived in Belgrade four days later than planned, on 21 December 2010.

4. The Defence also wants to point out that daily presence and availability of Simatović in Belgrade is valuable to Defence team for the preparation of the continuation of trial. Therefore, the extension of his provisional release until Friday 21 January 2011 would be of great importance, both for the Accused and his right to a fair trial as well as for his Defence and all for the purpose of smooth and efficient completion of the Prosecutor's case.

5. The Defence also notes that the Accused Simatović had so far complied with all the orders from the Trial Chamber and that he is ready to further comply with all the orders if the extension of provisional release is approved.

6. The Defence points out that the extension of 15 days would not jeopardize the completion of the Prosecution's case, nor would the extension of provisional release of the Accused Simatović in any way endanger the safety of victims and witnesses, that have so far not been endangered in any way during his stay in Belgrade. Also, the extension of 15 days would not give rise to a reasonable fear that the Accused will attempt to abscond.

7. The Defence finally points out that the Guarantees provided by the Government of The Republic of Serbia are valid during the whole period of the Accused Simatović's provisional release when the court renders such a decision which further means that there would be a continued validity of Guarantee of the Republic of Serbia (Addendum, Annex of the Defence motion requesting provisional release during the winter court recess from 25 November 2010) if a decision for the extension of provisional release until 21 January 2011 is brought.

Relief sought

1. The Defence respectfully requests that the Trial Chamber accept the request of the Simatović's Defence team and render a decision for the extension of the temporary provisional release of the Accused Simatović during the winter break, that is until Friday, 21 January 2011 when the Accused is supposed to return to UNDU.



Mihajlo Bakrač
Lead Counsel

Counsel for the Accused:



Vladimir Petrović
Co-Counsel

Dated, 30th of December 2010